

REMARKS/ARGUMENTS

Claims 10-30 and 32-33 are active. Claims 31 and 34-35 have been cancelled. Claims 14-19, 21 and 23-30 were objected to, but not rejected. In the interview on February 22, 2010 with Examiner Li the Examiner indicated the previously-filed after-final Amendment would raise a new issue under 35 U.S.C. 112, second paragraph on the ground that it was unclear what combinations of anti-virus antibodies were encompassed by amended claim 10, e.g., with regard to what the term "said at least one" encompasses. The Applicants have now revised claim 10 to track the limitations in non-rejected claims 14 and 15 which require the combination of an immobilized anti-virus antibody and a labeled anti-virus antibody. No new matter has been added.

The Applicants respectfully request that this after-final Amendment be entered by the Examiner to place this application in condition for allowance or in better condition for appeal. The proposed amendment does not raise new issues or necessitate a new search by the Examiner, since the amendment is based on elements earlier claimed or inherent in the previously examined claims. Entry of this Amendment would also permit the Applicants to respond to the Examiner's remarks and arguments raised in the final rejection. The Applicants thank Examiner Li for withdrawing the anticipation rejection under 35 U.S.C. §102 over Hardy, et al. as well as the rejection imposed under §112. The remaining obviousness rejection based on Hardy, et al. is moot in view of the amendments above.

Rejection—35 U.S.C. 103

Claims 10-13, 20 and 22-23 were rejected under 35 U.S.C. 103(a) as being anticipated by Hardy, et al., Virol. 217:252, and Kitamoto, et al., J. Clin. Micro. 40:2459. This rejection is moot in view of the incorporation of the limitations of claims 14 and 15 into independent claim 10. As previously required by claims 14 and 15, claim 10 now requires the

combination of an immobilized anti-virus antibody and a labeled anti-virus antibody.

Therefore, this rejection can no longer be sustained.

Conclusion

In view of the amendments and remarks above, the Applicants respectfully submit that this application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

A handwritten signature in black ink, appearing to read 'Thomas Cunningham', written over a horizontal line.

Thomas M. Cunningham, Ph.D.  
Registration No. 45,394

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)